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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/630,753 | 07/31/2003 | Mutsumi Naniwa | Q75423 | 9837 |
| 23373 | 7590 | 07/26/2004 | EXAMINER | |
| SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | EVANISKO, LESLIE J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2854 | |

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|--|--|
| Office Action Summary | Application No. 10/630,753 | Applicant(s) NANIWA, MUTSUMI | |
| | Examiner Leslie J. Evanisko | Art Unit 2854 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1 and 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. <u>2004-07-22</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2003-07-31</u> | 6) <input type="checkbox"/> Other: _____ |

EX-PARTE QUAYLE ACTION

1. This application is in condition for allowance except for the following formal matters:

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. Figure 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated, as set forth by the brief description of Figure 5 on page 6 of the specification. See MPEP § 608.02(g).

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. The disclosure is objected to because of the following informalities: On page 7, line 15, the term "**25**" should be deleted and replaced with --**26**-- since that is how the "replenishment control unit" is shown in the Figures and later described on page 14, line 20. Furthermore note that no reference numeral **25** appears in the drawings.

Appropriate correction and/or clarification is required.

Claim Objections

6. Claims 1-2 are objected to because of the following informalities:

With respect to claim 1, it is suggested that the term "it" be deleted and replaced with the structure to which "it" is referring to avoid any confusion in the claim.

With respect to claim 2, the terms "the ink component" and "the aqueous component" in lines 10-11 have no proper antecedent basis since no such components have been previously recited. To correct this problem, it is

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suggested that the phrase --having an ink component and an aqueous component-- be inserted after "ink" in line 2. Furthermore, it is suggested that the term --an-- be inserted before "amount" in lines 8 and 11 to use less awkward language.

Appropriate correction and/or clarification is required.

Allowable Subject Matter

7. Claims 1-2 are objected to for the reasons set forth above, but would be allowable if rewritten to overcome the objections to the satisfaction of the Examiner.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or fairly suggest a lithographic printing method (or apparatus) having all of the method steps (or structure) as recited, in combination with and particularly including, providing an emulsion ink with an aqueous component and an ink component, computing amounts of consumption of *each of the ink and aqueous components* based upon the percent image area of the lithographic plate, and replenishing the ink fountain with at least one of the ink component, aqueous component, or emulsion ink based upon the computed amounts of consumption of the ink and aqueous components.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Warner (US 4,388,864) and Chou et al. (US 6,698,353 & US 6,318,259) each teach a lithographic printing apparatus and method including a mechanism for control feed of an emulsion ink having obvious similarities to the claimed subject matter. Furukawa (US 6,675,714) and Murray et al. (US 3,958,509) teach controlling the supply of ink and/or water in a printer based upon image analysis. Note none of the prior art references teach or render obvious the exact structure and method as claimed.

10. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

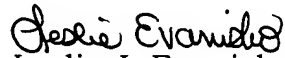
A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
July 22, 2004